GOVERNMENT OF MADRAS.

Old Scott. II-28, New Scott. II-16—
71,006—28-1-55.

P.L. (1955) Department.

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

No. 1827 XL/55-3

Dated 27-10- 1955.

RWSLH
31/10/55

~~FURTHER~~ Fresh PAPERS.

Department.	Number.	Series.	Date.
Govt No	F3	PL	1-1-52
Minn No	2236 XL/55 L PL		22/11/55

1827 L1

From,

N.Manjayya Shetty, B.E.,
Junior Engineer,
Heriadka,
Udipi Taluk,
South Kanara District.

To

The Secretary,
Public Works, Department,
Government of Madras, Madras.9.

Sir,

Sub:. My application to M.P.S.C. Post of Assistant Engineer, in the Madras Engineering Service - Age Concession - requested.
Refe: M.P.S.C. Memo No.118/A.E./55 dated 25-9-1955.

I beg to submit the following facts for your kind consideration and favourable orders and speedy action.

In reply to an advertisement dated 10-6-1955 by the Madras Public Service Commission calling applications for the post of Assistant Engineers in the Madras Engineering Service, I had submitted my application for the said post on 5-7-1955. The general age limit prescribed for the posts was 28 years. I was slightly overaged and to be precise by only 12 (twelve) days. According to Clause No.12(c) of the Madras Public Service Commission, instructions etc to candidates, I am eligible to apply. It runs thus:-

"An applicant who claims to be within the prescribed age limit by virtue of his continuous temporary employment under the Madras Government, should produce a certificate from the head of the Department or office in which he was or is employed showing the date on which his continuous temporary employment commenced and if it has terminated the date on which it terminated"

I have been in continuous temporary employment in the Madras Government Electricity Department as Junior Engineer at Hiriadka, since 31-8-1954. As such, I request to be considered as a candidate for the said post. Accordingly, I had submitted a letter from the Head of my Department along

(2)

with my application.

Unfortunately I received a communication, from the M.P.S.C (quoted above) wherein they have rejected my application, stating that I was overaged, basing it on Clause No.11 of the M.P.S.C's instructions etc for candidates. But, as stated above, I request that my application may please be considered in the light of Clause No.12 (c). Further the tragedy of the situation is that I am overaged by only twelve days, which is after all a very trivial period to be counted for over age, my date of birth being 19-6-1927 and their requirement being that the Candidate should be below 28 years on 1-7-1955.

Therefore I humbly request you, Sir, to consider my case most sympathetically in the light of the above mentioned facts and kindly grant me the necessary age concession and exempt me from the operation of Clause 4c(ii) of information to candidates, as I have been in the employ of the Government. Since the Service Commission may go ahead with the task of selection, I request you to kindly communicate the Madras Public Service Commission, as early as possible so that I may be considered for the post advertised.

For your perusal, I am herewith enclosing the Madras P.S.C's Instruction etc to Candidates & information to Candidates.

It shall indeed be a great help, Sir, if this much needed help is kindly shown to me, as I have been actually working in Government Service. I shall ever be grateful. Kindly favour me with an early reply.

I remain,
Sir,
Yours faithfully,

Madras,
4-10-1955.
Enc. (i) One no. Information to candidates.
(ii) Instruction to Candidates two.

OE/SSE/HOK.
4/10/55
Junior Engineer

3

Copy to the Secretary, Madras Public Service, Commission, Madras, for information and favourable consideration. All the documents which had been previously submitted along with the application are enclosed herewith.

Special 4 PWD (Ii)

Memorandum No. F.27 X L/55-1 dt. 10-55

Sub:- Madras Engg. Service -
Asst. Engineers - Direct
Recruitment - 1954-55 -

Ref:- From Sri. N. Manjayya
Shetty, J.E, Elecy. Dept,
Petn. dt. 4-10-55

PPI 3 C.1

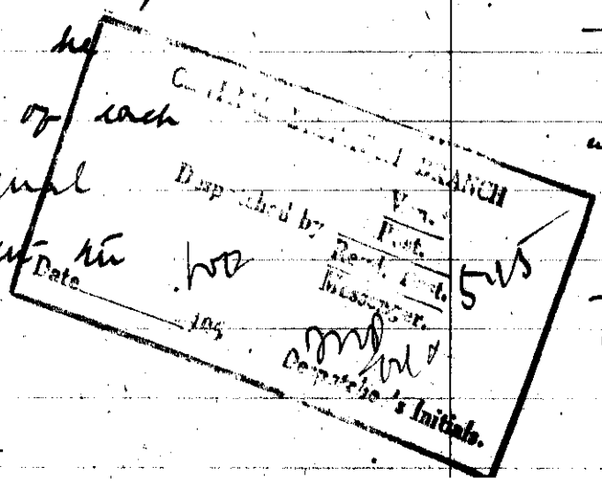
A copy of the petition cited, together with its enclosures in original, is forwarded to the C.E, PWD (Gl) for urgent remarks. His attention is invited, in this connection, to

(U) PPII 12 C.1 Govt. Ms. No. F3 PWD dt. 8-1-52, wherein the Special Rules for the Madras Engineering Service were amended, in order to enable candidates who would have been within the prescribed age limit in 1950 and 1951 to apply for the selection held in 1952, for the reason that there was no direct recruitment to the posts of Asst. Engineers during 1950 and 1951. and he is requested to offer his remarks on the question of grant of a relaxation in the

fairest selection, particularly in view of the fact that both the interests of the administration and those of the candidates is such that persons of each age group are given equal opportunities to compete for the direct recruitment.

12/10/55

12/10/55



PP1 3(1)

To L.E. PLD (2), with (i) Copy of Pet. and (ii) Facts in original (to be retd. with reply)

PP4-23(1)

PUBLIC WORKS DEPARTMENT

From
Sri J.M. Frederick,
M.A.,B.E.,I.S.E.,
Chief Engineer,P.W.D(General),
Chepauk, Madras.5

To
The Secretary to Government,
Public works Department,
Fort St.George, Madras-9

Letter No.47407 EI(1)/55-1 Dated 19-10-1955.

Sir,

Sub: M.E.S - Direct recruitment - Assistant Engineers-Representation of Sri B.Ramakrishnan -Temporary Assistant Engineer,P.W.D - Waiving of length of service regarding.

I forward herewith a representation received from Sri B.Ramakrishnan, temporary Assistant Engineer,P.W.D requesting a relaxation of the limit of five years of service, referred to in rule 2(15) of Part I of the Madras State and Subordinate Services Rules, in his case.

2. The provisions in the rule referred to above was relaxed in 1952 as there was no direct recruitment in 1950 and 1951 and as it was then considered necessary that such of the candidates who would have been eligible for recruitment in 1950 and 1951 should be allowed to apply for the selection held in 1952 - vide G.O.Ms.No.83 P.W.D dated 18-2-1952. There is no need to extend the concession for the present selection. The request of the Assistant Engineer may therefore be negatived.

B. S. Narayanan
12/10/55

For Chief Engineer,P.W.D(General)

Enc: One representation in original.

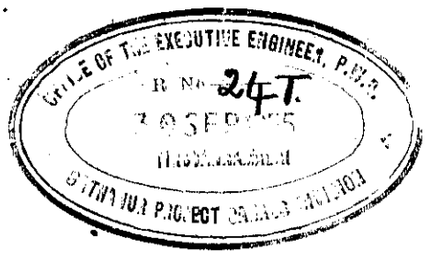
CI/19.10

URGENT

30.9.55

From

R. Ramakrishnan, B.E.(Hons),
Assistant Engineer, P.W.D.,
Sathanur Project Canals Division,
Tiruvannamalai.



To

The Secretary to the Government,
Public Works Department,
Madras.

Thro' Proper Channel.

Sir,

Subject: Direct Recruitment of Assistant Engineers - Waiving of rules regarding length of service Requested.

...

I beg to bring the following to the notice of Government for favour of consideration and orders.

I am a temporary Assistant Engineer in the P.W.D. I joined as a Junior Engineer in May 1949 and have been promoted in January 1955. I applied to the Madras Public Service Commission for selection as a direct recruit Assistant Engineer in one of the six vacancies advertised for recently. The Secretary, Madras Public Service Commission has now returned my application rejecting it on the basis that, having been in service for more than five years, I am not eligible to apply. On this I wish to represent the following:-

During the selections for the same post made in 1948 and 1952 the rule that only those with less than five years service are eligible has been waived. As this rule was waived in 1952 I had at that time to compete with persons with considerable length of service in the department in the cadres of Junior Engineer and Assistant Engineer. Fearing that my changes against this competition was little I did not apply then, awaiting a later selection when I would have earned sufficient experience to stand a good change.

Now I have had good experience but the rule referred to above is being applied to disqualify me. My plea is that it is only because this rule was waived previously that I could not take my chance for the selection and consequently I should now be permitt

o appear for the selection by waiving this rule in my case lso, so as to enable me to have the same chance offered to thers previously and ~~the~~ to guarantee me equality of opportunity may bring to the kind notice of Government that I am within the aged-limit prescribed for the selection, and have only six years of Government service as against the limit of five years.

Under the circumstances I request the Government to issue an order immediately to ~~the~~ waive the above rule in my case and thus dispense justice to me.

...

Yours faithfully,

R Ramakrishnan
30.9.55.
Assistant Engineer (P.W.D).

Copy submitted to the Secretary, Madras Public Service Commission, Madras with reference to Memo No. 226/AE/55 dated 25-9-55.

I request that the final decision regarding my application may be made after consideration of the above representation by Government. Meanwhile I may be provisionally allowed to appear for interview if this is held before the receipt of Government orders.

Special Urgent

Office of Executive Engineer,
S.R.P. Canals Division,
Tiruvannamalai.

Rc. No 1134 SE D/ 1-10-55.

Submitted to the Superintending Engineer - Projects Circle, Chepauk - Madras 5. The case deserves favourable consideration.

1-10-55

To
The Superintending Engineer
Projects Circle - Chepauk - Madras 5

Executive Engineer,
S.R.P. Canals Division,
Tiruvannamalai.

Special

P.W.D.

Memo No. 2083XL/55-1 dt 17-10-58

Sub: Madras Engg. Service -
Asst. Engineers - Direct
recruitment - Representation from
Sri. R. Ramakrishnan, Temp.
Asst. Engineer, P.W.D

Ref:- From the C.E., PWD (Lr) No.
No. 47407 EII(1)/55-1 dt 12.10.

The C.E., P.W.D. (Lr)
is requested to explain in greater
detail, why he does not recommend
the extension of the concession
granted in G.O. Ms. No. 53 P.W.
dt 18.2.52 (regarding the limit of 5 year

of service), to the present selection for direct recruitment of Asst. Engineers. His attention is also invited, in this connection, to Govt. Memo. No. HFD XL/55-1 dt. 12.10.55 relating to a representation received from Sri. N. Manjayya Shetty, J.E., Elec. Dept.

17.10.55

17/10/55

17/10/55

The C.E., PWD (Elec.)

Asstt. Engr. (Elec.)
17/10/55

2234x

C.F. 32 ( )—70,10,558—20-1-54.

Special.

Public Works Department		Received	Registered
From (Name)	Sri J.M.Frederick, B.A., B.E., I.S.E.,	To	
Designation	Chief Engineer, P.W.D., (General),	The	Secretary to Government, PUBLIC WORKS DEPARTMENT. FORT ST. GEORGE, Madras.
Station	Chepauk, M a d r a s.		

Enclosures:

No. 47407.E1(1)/55-2, dated 19th October 1955.

Sir,

Sub: Madras Engineering Service - Assistant Engineers - Direct Recruitment - 1954-55 - regarding.

Ref: Government memo No.1827 XL/55-1 dated 12-10-55 and No.2083.XL/55-1 dated 17-10-55.

According to the existing rules (Rule 2(d)(i) of the Special rules for the Madras Engineering Service - Branch I) it is only discretionary and not mandatory to have direct recruitment to the post of Assistant Engineers regularly each year. Either for want of substantive vacancies or for administrative reasons, it may not be possible to have direct recruitment in a particular year or years. No candidate can, therefore, claim any statutory right for relaxation of the rules and to be considered for direct recruitment on the ground that there was no such recruitment in any particular year. Although the rules regarding age limit etc., were relaxed in respect of the direct recruitment held in 1952 for the reason that there had been no recruitment during the previous two years, I do not consider it desirable to take it as an established precedent and to allow the same concession each and every time.

2. The accepted principle governing direct recruitment to the posts of Assistant Engineers is that young and energetic men with high qualifications and merit, not scarred by the rigours of subordinate service and without independence and initiative sapped out of them, should be recruited. Under the existing rules, persons already in service but who have not completed 28 years of age and who have not put in more than five years service, are eligible to apply for direct recruitment. These restrictions do not however apply to

persons belonging to the Scheduled Castes, Scheduled tribes or Backward Classes, who are eligible irrespective of their age and length of their service. As a large number of the Engineering Graduates passing out from the Colleges in this State, each year, is employed in this Department only, the majority of the candidates applying for direct recruitment as Assistant Engineers naturally happen to be those (Junior Engineers etc.,) in service, and usually there are very few outsiders. Having regard to the above fact and also for the reason that persons belonging to the Scheduled Castes etc., are already eligible to apply for direct recruitment irrespective of their age and length of service, while in the case of others a service limit up to 5 years is allowed as already mentioned above, I consider that it would be against the principle of direct recruitment quoted above, to relax the rules and permit persons who are overaged and who have put in more than 5 years' service, to apply for direct recruitment as Assistant Engineers, merely on the ground that there had been no direct recruitment in a previous year or years.

2.1) In this connection, I may also mention that the existing general age limit of 28 years for direct recruits to the category of Assistant Engineers in this Department is quite high compared to the limit of 26 years obtaining in the case of recruitment to I.R.S.E. etc. If relaxation is also allowed, candidates who are older still (29 and 30 years) will become eligible to apply, and I consider that this is neither necessary nor desirable. Any relaxation of the age limit must necessarily be accompanied by a relaxation of the rule relating to the five year service limit as well. For reasons already explained above, I am not in favour of such a relaxation and it was in this view that I did not recommend the request made by Sri R.Ramakrishnan, temporary Assistant Engineer (case referred to in Government

memo No.2083.XL/55-1 dated 17-10-55).

3. Apart from the above, I have also to bring to the notice of Government the fact that according to statement received from the Public Service Commission, there are as many as 175 qualified candidates who have applied for direct recruitment against the six posts of Assistant Engineers in response to the notification issued by the Commission and the interview of these candidates is to commence on the 27th of this month. If any relaxation of the age limit etc., is to be made now, a fresh notification will have to be issued by the Commission and the selection of candidates will be unduly delayed. I do not think that it will be in the interests of administration to delay the selection on the ground that some more candidates should be allowed to apply for recruitment if the rules are relaxed, especially in view of the fact that almost every one of such candidates in service is likely to be from the ranks of Junior Engineers etc., already in service and, therefore, the balance of advantage is to leave things as they are. In the circumstances, I would suggest that Government may be pleased not to pursue the question of relaxing the rules in respect of the ensuing selection of Assistant Engineers by direct recruitment.

4. As regards the representation submitted by Sri N.Manjayya Shetty, Junior Engineer, Electricity Department, (which has been referred to me for remarks by Government in their memo No.1827.XL/55-1 dated 12-10-55), I have to state that the contention of the applicant that according to paragraph 12(c) of the Commission's "Instructions etc., to candidates," he is 'within age' as he has been in continuous employment from 31-8-54 and, therefore, he is eligible to apply for direct recruitment as Assistant Engineer is untenable for the reason that the continuous temporary service referred to in that paragraph is

that mentioned in paragraph 11(a) of the same Instructions viz., continuous temporary service up to 31st December 1948. It may also be seen that all the instructions under paragraph 12 are with reference to and in amplification of, the instructions contained in paragraph 11. It is seen that Sri Manjayya Shetty has attempted to interpret, to his own advantage, the instructions in paragraph 12(c) referred to, as a separate item, independent of the basic instructions in paragraph 11 of the Commission's notification. This is incorrect and it is also seen that the Commission has already rejected his untenable claims. He is, therefore, not entitled to any relief or relaxation in regard to his age on the ground that he has been in continuous temporary employment as a Junior Engineer in the Electricity Department since August 1954, and his request is consequently inadmissible.

5. The enclosures in original (Commission's notification in two pamphlets) received with the Government memo dated 12-10-55, are returned herewith.

20/10/55

CHIEF ENGINEER, P.W.D.(GENERAL).

Enc: Two Pamphlets.

20-10-55

Draft I

Memo. No. 18(2)XC/55-2 dt 27-10-55

Sub: Madras Engineering Service. Asst. Engineers - Direct recruitment 1954-55 - Exemption from age limit - Petition from Sri N. Manjayya Shetty, Junior Engineer, Elec. Dept. - Rejected.

Read:- From Sri N. Manjayya Shetty Petn. dt 4-10-55

From the C.E, PWD(Elec) No. 47407. E.1(1)/55-2 dt 19.10

The petitioner is informed that his request cannot be complied with.

-sd-

CENTRAL DESPATCH BRANCH

Rec'd Dated Vam. t. Date Initials.

To

Sri. N. Manjayya Shetty, J.E., Hariadka, Udipi TK. S. Kanara Dt.

with Memo.

Copy to the C.E. PWD (Elec)

Copy to the Secy. to the P.S.C.

26/10/55 KD 27/10/55

Memo. No. 1821 x 4/55-3 dt 27-10-55

Sub: Madras Engineering Service -
Asst. Engineers - Direct recruitment -
1954-55 - Waiver of limit of
5 years' service - Representation from
Sri. R. Ramakrishnan, temp. A.E, P.W.D. -
Rejected.

Read:- From Sri. R. Ramakrishnan Petn. dt 30-9-55
From the C.E, PWD (Gr) No. 47407 EI(1)/55-1 dt 12-10-55
From the C.E, PWD (Gr) No. 47407 EI(1)/55 Dt. dt 19-10-55

The C.E, PWD (Gr) is requested to inform the petitioner that his request cannot be complied with.

CENTRAL DESPATCH BRANCH
Date ____ Initials.

31/10

27/10/55

24/10/55

The C.E, PWD (Gr)
Copy to the S.P.S.C.

P.W.D.(Ll-)

:.No.1827 XL/55.

Sub:- Madras Engineering Service--Asst. Engineers. Direct~~m~~ recruitment--Application from Sri N. Manjayya Shetty, Junior Engineer--Elecy. Department.

Ref:- From Sri N. Manjayya Shetty, Petition dated 4.10.1955.

Please see the petition on pp- 1.2 c.f. from Sri N. Manjayya Shetty, Junior Engineer, Electricity Department.

2. In G.O.Ms.No.1965, Public Works dated 17.5.1955, 6 substantive vacancies of Assistant Engineers, which arose in the Madras Engineering Service during 1954-55, were reserved to be filled ~~of~~ by direct recruitment and the Madras Public Service Commission was asked to recruit candidates for appointment against the six vacancies. The Commission accordingly invited applications for appointment to the posts ~~of~~ and the last date for the receipt of applications was 15.7.55. The general age limit prescribed for appointment to the posts is ~~28 years~~, that a candidate must not ~~have~~ have completed 28 years of age, on the first day of July of the year ~~in~~ which the selection is made. ~~The~~ For purposes of the ~~present~~ selection, the age limit has been reckoned, with reference to 1.7.55. Sri N. Manjayya Shetty, the petitioner, applied to the Commission for appointment to the post but the commission has rejected the application on the ground that he is overaged, his date of birth being 19.6.1927. He has now stated that he ~~has~~ exceeded the prescribed age limit, only by 12 days and has requested that he may kindly be exempted from the age limit, as he has been in continuous temporary employment in the Electricity Department from 31-8-54. ~~Unfortunately~~ Temply. Govt. servants are permitted to deduct from their age, the period of temporary service rendered upto

31.12.1948 but the candidate is not eligible for the concession, as his temporary service has commenced only from 31.8.54.

3. It may, however, be mentioned that the last selection for appointment to the posts of Asst. Engineers by direct recruitment was held in 1952 and there was no selection subsequently. In a similar situation, when there was no direct recruitment during 1950 and 1951, a proviso was introduced in the rules, in consultation with the Madras Public Service Commission, to the effect that for the recruitment to be made in 1952, persons who had not completed 29 years of age on 1.7.1952 would be eligible, to enable candidates who would have been qualified in 1950 to apply for selection. (This was done before the Madras Public Service Commission actually invited applications.) It is for consideration whether the Chief Engineer, Public Works Department(General) may be consulted in regard to the grant of a similar concession for the present selection. [If the proposal materialises, the M.P.S.C. may have to issue a supplementary notification incorporating the revised age limit.]

10-10-68

Please see para 4 of previous Secretary's notes at pp 7-8 xx of G.O.No 83 P.W dated 8.1.62 and portion marked 'A' at p 4 of the G.O. Both in the interests of the administration and those of the candidates, it is necessary that persons of each age group are given equal opportunities to compete in the direct recruitment.

The CE's remarks on the proposal

may first be invited. As the C.E (P.W.D) Genl is invited at the interview held of candidates held by the Commission, he will be in a position to report the correct position to the Govt.

KP
11/10/55

The CE may be consulted in the matter as proposed on p 2 ante. (AH)

11/10/55 11/10/55

A draft memo. to the C.E, P.W.D(Gl) is submitted below for approved.

11/10
12

KP
12/10/55.

12/10/55

Issued as Memo.No.1827 XL/55-1 dated 12.10.1955 to the C.E.,P.W.D.(Gl)

From the C.E., P.W.D.(Gl)No.47407 E1(1)//55-1 dated 12.10.1955.

Memo.No.2083 XL/55-1 dated 17-10-1955 to the C.E.,P.W.D.(Gl)

From the C.E.,P.W.D.(Gl) No.47407 E1(1)/55-2 dated 19-10-1955.

The Madras Public Service Commission has issued an advertisement calling for applications for the posts of 6 Asst. Engineers in the Madras

Engineering Service to be filled by direct recruitment- vide copy of advertisement at pp.20-22 c.f. Para 4 of the advertisement contains the conditions regarding age, qualifications etc., which should be satisfied by candidates applying for the posts. The last date for the receipt of applications is already ~~due~~ (15.7.55) and it is seen that the interview of the candidates is to commence on the 27th of this month.

2. Sri Manjayya Shetty, temporary Junior Engineer, Electricity Department, whose application has been rejected by the M.P.S.C. on the ground of his being over-aged, has applied to the Government for exempting him from the prescribed age limit of 28 years, as he exceeds the age limit only by 12 days and as he has been in continous temporary employment in the Electricity Department from 31-8-54. Another candidate, Sri R.Ramakrishna, temporary Asst. Engineer P.W.D., whose application has also been rejected by the Commission, as he does not fulfil the condition relating to the maximum service under the Government(viz. 5 years) beyond which persons in Government service are ineligible to apply for direct recruitment, has applied for waiving the limit in his case.

3. It may be mentioned here that the last selection for appointment to the posts of Asst. Engineers, by direct recruitment, was held in 1952 and no selection could be held subsequently. In connection with the recruitment held in 1952, the rules were amended, in consultation with the Commission, in order to enable candidates who would have been within the prescribed age limit in 1950 and 1951, to apply for the selection, for the reason that there was no direct recruitment in 1950 and 1951. The limit of 5 years' service was also relaxed in that connection, to the extent necessary, to enable candidates who would have been eligible to be considered for selection held in 1950 and 1951, to apply for the

(p.t.o.)

selection held in 1952. These concessions were granted as the object of direct recruitment is to get the pick of the qualified men within age, available in each year and as otherwise, some really good men who were just within age in 1950 would have been shut out. It was then considered necessary, both in the interests of administration and those of the candidates, to give equal opportunities to persons of such age group to compete in the direct recruitment.

4. The C.E.,P.W.D.(Gl) who was consulted in regard to the question of extending the concessions granted in 1952, to the present selection, has (refused) himself against the grant of the concessions for the present selection for the reasons stated in paras 1 to 3 on pp.16-18 c.f.

5. In the circumstances stated by the C.E., it is for consideration whether the matter need be pursued.

21-10-55

21/10/55

The CE's views may be agreed to and the matter dropped.

With ref. to the above orders

necessary drafts, turning down the requests of the petitioners, are submitted below for approval.

26/10/65

27/10/65

2.11.65